THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.17336 of 2006
Date:23-08-2006

Between:
Taiyebi Niza-E-Hussaini Trust Fund, rep. by its Secretary

Petitioner

And

The Municipal Corporation of Hyderabad, rep. by its Commissioner.

Respondent

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.17336 of 2006

ORDER:

1. Heard the counsel.

2. The writ petition is filed for a Writ of Mandamus declaring the action of the respondent in not receiving the petitioner's application for grant of permission to construct a new building after demolishing the old house bearing House Nos.20-2-439/4 to 439/10 and 20-2-478/7 to 478/18 with open land admeasuring 4,335.46 square yards and the house bearing House No.20-2-474, admeasuring 220 square yards situated at Baragalli, Hussaini Alam, Hyderabad, as illegal, arbitrary and violative of fundamental rights guaranteed under Article 14,19 and 300-A of the Constitution of India and consequently direct the respondent herein to receive the application for grant of permission to construct a new House as per law without insisting on 'No Objection Certificate' from the Revenue Authorities and pass such other suitable orders.

2. Several factual details had been narrated in the affidavit filed in support of the writ petition. It is needless to say that this court on number of occasions specifically laid down that such 'No Objection Certificate' from Revenue Authorities cannot be insisted upon while receiving or considering the application for grant of permission for construction of the house. When that being so, it is needless to say that the respondent cannot insist for such 'No Objection Certificate' while receiving the application.

3. In view of the same, the other factual aspects which had been narrated in detail need not be considered and the writ petition is

disposed of directing the respondent to receive the petitioner's application for grant of permission to construct a new building after demolishing the old house bearing H. Nos.20-2-439/4 to 439/10 and 20-2-478/7 to 478/18 with open land admeasuring 4,335.46 square yards and the house bearing House No.20-2-474, admeasuring 220 square yards situated at Baragalli, Hussaini Alam, Hyderabad and dispose of the same in accordance with law at an early date.

4. Accordingly, the writ petition is disposed of. No order as to costs.

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23-08-2006

Stp